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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,102	08/23/2004	Joseph C. Schneider	ITW7510.094	5101

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EXAMINER

PASCHALL, MARK H

ART UNIT PAPER NUMBER

3742

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,102	<b>Applicant(s)</b> SCHNEIDER, JOSEPH C.	
	<b>Examiner</b> Mark H. Paschall	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 16 February 2006.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-22 and 24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-22 and 24 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over New et al and Stuart et al.

Claims are unpatentable over Sorkin et al in view of New et al for the same reasons set forth in the prior office action. Amendments to the claims have further defined the handle as comprising two portions that are fixed to each other. It should be noted that New et al do teach the ends as fixed, when no adjustment is needed for the head relative to the handle. It should be noted that the two handle portions are fixed to each other in the sense that they do not break away from each other during use. For the sake of argument, the patent to Stuart et al is applied for evidencing that a MIG torch, which does produce a plasma, can have an integral handle 64, which is attached to the welding head 71 via pivoting means enclosed in 70. Column 9 in Stuart et al , in paragraph 2 sets forth that the head can rotate or pivot 360 degrees and also at conical angle to the axis of the head, with the benefit of a more ergonomic torch and reduced fatigue for the user. One of ordinary skill in arc torches would have found proper motivation in Stuart et al, to use an integral or fixed portion handle, in the Sorkin et al system with enhanced realm of use for the operator.

Claims 1-22,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorkin et al in view of Stuart et al. Though Sorkin et al teach a movable welding head relative to a handle, as claimed, the patent to Stuart et al is applied for clearly teaching that a pivotable head on a MIG torch can pivot 15 degrees from an axis, and can also rotate 360 degrees around such axis, to enhance the ergonomics of the torch and one of ordinary skill in torch systems would have found it obvious to modify the Sorkin et al system with the same, to effect enhance use of such torch.

### ***Response to Arguments***

Applicant's arguments filed 02-16-2006 have been fully considered but they are not persuasive. Line 1 in the remarks sets forth claims 1-24 are pending. Applicant has canceled claim 23, claims 1-22 and 24 are pending. Applicant has argued that Sorkin et al do not teach a pivoting torch head, relative to the torch handle. One of ordinary skill in the art would find it obvious to include a pivot joint in a torch to enhance the direction of the torch flow and enhance the versatility of the device. This merely comprises routine level of skill and not patentable subject matter. However, the patent to New et al was applied for teaching a pivotable torch head in a TIG , plasma , torch and used to modify the Sorkin et al system to use a pivotable joint, as claimed. Though New et al also increased the versatility of their device by making a two portion handle to move the head of the torch along the torch axis, for further movement or adjustment

of the torch, Applicant further amended the claims to restrict such movement of the handle portions, relative to each other. In this respect the patent to Stuart et al was applied for teaching that it is conventional in a MIG (also plasma) torch to have a handle 64, one piece integral handle, attached to a torch head , via a pivotable coupling means 70, in increase the range of movements of the torch. Clearly, Applicant can see that the concept and structure for pivotable heads, relative to torch handles, is both old and patented. The claims are not patentably distinct over the prior art applied. Note that a threaded nut connection in Stuart et al is used to restrict the movement of the head relative to the handle. Use of a specific pivotable angle as per claim 7 is both taught in the prior art and also a choice left to the discretion of the designer, dependent on undisclosed parameters of the torch and the end use of the torch. Note that the threaded adjustment in Stuart et al can limit the pivoting to chosen axes as claimed, dependent on just which axis the operator locks the nut in. The restricted movement limitations set forth in the claims are taught in the Sorkin et al system, as modified, such as in claim 17.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

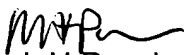
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H. Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mark H Paschall  
Primary Examiner  
Art Unit 3742

Mp